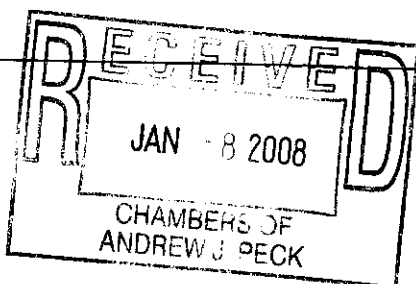
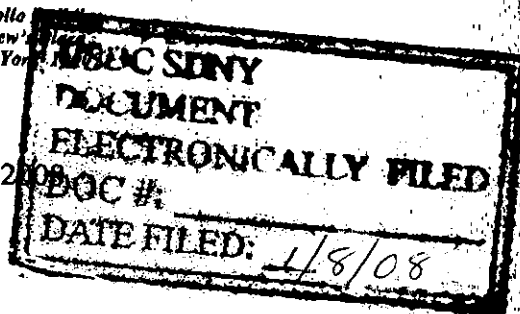




U.S. Department of Justice

United States Attorney
Southern District of New YorkThe Silvio J. Mollo
One Saint Andrew's Place
New York, New York

January 8, 2008

BY FACSIMILE

MEMO ENDORSED-12

The Honorable Andrew J. Peck
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, NY 10007Re: United States v. Pedro Vargas
07 Civ. 10566 (LAP) (AJP)

Dear Judge Peck:

The Government respectfully submits this response to Pedro Vargas' Motion for Return of Property and requests that it be accepted out of time.

The Government has contacted the Drug Enforcement Administration, which reports that it has in its possession the following items seized from Mr. Vargas at the time of his arrest: (i) \$464.25 in cash; (ii) two shoe laces; (iii) one belt; (iv) one wallet; (v) two photographs; (vi) one nail clipper; (vii) one block of tape with writing on the exterior; (viii) one New York driver's license; (ix) one permanent resident card; and (x) one set of keys.

The Government has no objection to returning this property. Accordingly, by this letter, the Government is informing Mr. Vargas that in order to claim this property he should

The Honorable Andrew J. Peck
January 8, 2008

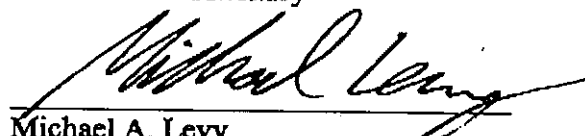
Page 2

have a representative contact Special Agent Fernando Cruz of the DEA at 212-337-1551 in order to arrange the transfer.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney

By:


Michael A. Levy
Assistant United States Attorney
(212) 637-2346

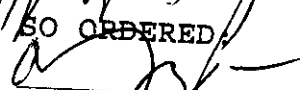
cc: Pedro Vargas
#56789-054
Northeast Ohio Correctional Center
2240 Hubbard Road
Youngstown, OH 44505

MEMO ENDORSED 1/8/08

1. Based on the Court's current hearing, Mr. Vargas's motion for summary judgment is GRANTED. Mr. Vargas is to follow the procedure in the Court's letter for the physical paper submission.
2. The issue with this case having been resolved, the Clerk of Court is directed to close the case. The Court modules will retain jurisdiction for 30 days in case any problems arise as to the return of property.

BY FAX

SO ORDERED


Hon. Andrew Jay Peck
United States Magistrate Judge

cc: Mr. Vargas (fax)
Mr. Levy (fax)
Judge Peck (fax)

TOTAL P.03

FAX TRANSMITTAL SHEET



**ANDREW J. PECK
UNITED STATES MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT**

Southern District of New York
United States Courthouse
500 Pearl Street, Room 1370
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933
Telephone No.: (212) 805-0036

Dated: January 8, 2008

Total Number of Pages: 3

TO	FAX NUMBER
Michael A. Levy, Esq.	212-637-2527

TRANSCRIPTION:

MEMO ENDORSED 1/8/08

1. Based on the Government's consent herein, Mr. Vargas' motion for return of property is **GRANTED**. Mr. Vargas is to follow the procedure in the Government's letter for the physical property return.
2. The issue in this case having been resolved, the Clerk of Court is directed to close the case. The Court nevertheless will retain jurisdiction for 30 days in case any problems arise as to the return of property.

Copy to: **Pedro Vargas (Mail)**
Judge Loretta A. Preska